

Nicole Oliver (NO 9885)
National Labor Relations Board, Region 2
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**KAREN P. FERNBACH, Regional Director,
Region 2, National Labor Relations Board,
For and on Behalf of the NATIONAL
LABOR RELATIONS BOARD,**

Petitioner,

-against-

**Index No. 14-CV-09859
(Sullivan, J.)**

**SPRAIN BROOK MANOR REHAB, LLC;
PINNACLE DIETARY, INC.; BUDGET
SERVICES, INC.; AND LOCAL 713,
INTERNATIONAL BROTHERHOOD OF
TRADE UNIONS (IBOTU),**

Respondents

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**MOTION FOR VOLUNTARY DISMISSAL UNDER
RULE 41(A)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Counsel for the Petitioner, Karen P. Fernbach, Regional Director of Region 2 of the National Labor Relations Board, herein the Board, respectfully moves for the voluntary dismissal with prejudice of this case pursuant to Federal Rule of Civil Procedure 41(a)(2). In support thereof, Petitioner states as follows:

1. On December 12, 2014, Petitioner filed with this Court a Petition for Temporary Injunction under Section 10(j) of the Act, 29 U.S.C. Section 160(j).
2. Injunctive relief was granted by this Court on March 9, 2015.
3. On April 29, 2016, Administrative Law Judge Kenneth Chu issued his Decision in the Board's underlying case, recommending all substantive remedies encompassed by the

Court's March 9, 2015 temporary injunction. Respondent did not file exceptions to the Administrative Law Judge's Decision. Petitioner filed limited exceptions.

4. On March 21, 2017, the National Labor Relations Board adopted the Administrative Law Judge's recommendation and order, as modified, granting all substantive remedies encompassed by the Court's March 9, 2015 temporary injunction.
5. As a result of the Board's Decision obviating and extinguishing the need for injunctive relief, Petitioner seeks dismissal of the current matter before this Court.
6. Petitioner's counsel advised counsel for all Respondents and *Amicus* of her intent to file this Motion for Voluntary Dismissal on March 29, 2017.
7. Accordingly, the Petitioner respectfully moves that this Court grant its Motion to Voluntarily Dismiss the Petition with prejudice.

Dated at New York, New York, this 31st day of March, 2017.

Respectfully submitted,



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